

3. With respect to the **Second Cause of Action**, Appellant's brief makes no mention of Malloy or the original allegations against him or even attempts to address the issues related to the Bankruptcy Court's order dismissing all claims against Malloy. As a result and pursuant to the authorities already cited herein all claims against Malloy have been abandoned.

Wherefore, Malloy prays for an order:

- a) dismissing this appeal with prejudice, as to the Appellee Malloy;
- b) granting expedited consideration of this motion;
- c) any and other further relief this Court deems just and proper.

Respectfully submitted,

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